

REMARKS

Favorable reconsideration and allowance are respectfully requested for claims 1-29 in view of the following remarks.

At the outset, we would like to express our appreciation to Examiner Estremsky for the courtesies extended during the personal interview of July 10, 2003. During the interview the terms "body" and "mounted" were discussed.

Responsive to the rejection under 35 USC §112, second paragraph, this rejection is respectfully traversed. The limitation and defined structure of claim 28 does not render the scope of the claim indefinite. Further limiting the structure of a claimed method further limits the claimed method as a whole. Thus, claim 28 further limits the claimed method, and accordingly, withdrawal of the rejection is respectfully requested.

Claims 1, 13, 19, 25, 28, and 29 were rejected under 35 USC §102(b) as anticipated by Ferro. This rejection is respectfully traversed. In addition to the arguments previously submitted against Ferro, for the following and additional reasons, Ferro does not anticipate the claimed invention. In the Office Action, the Examiner has stated that a coating reads on the claimed limitation of a luminous body. In support of this allegation, the Examiner cites In re Pearson, 181 USPQ 641 (CCPA 1974). For the proposition that in a pending application claims should be given their broadest reasonable interpretation. However, as pointed out in MPEP §2111, pending claims must be given their broadest reasonable interpretation consistent with the specification, see In re Hyatt, 211 F3d 1367, 1372

(Fed. Cir. 2000). With regard to this guideline, when the limitation "luminous body" is read in light of the specification, a luminous coating does not anticipate the claim limitation. At paragraph 7 in the Background and Summary of the Invention, luminous coatings are described and their differences between a luminous body are explained. In addition, at paragraph 11 the disadvantages of such a luminous coating or luminous surface are given with respect to the luminous body as claimed. Therefore, when the limitation is read in light of the specification, a luminous body is not a luminous coating or surface as shown in Ferro. Thus, it is respectfully submitted that the claimed invention is not anticipated by Ferro, as noted above. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 5, 16 and 22 were rejected under 35 USC §103(a) as unpatentable over Ferro, and claim 26 was rejected under 35 USC §103(a) as being unpatentable over Ferro in view of Tanimoto. These rejections are also respectfully traversed and as they depend from claim 1, they are also patentable distinguishable over the cited references for at least the reasons given above.

The differences between a luminous body and a luminous surface or coating have been distinguished in the Background and Summary of the Invention. Illumination devices for illuminating an unlocking handle have the disadvantage that the illumination must be insured. Although the use of an unlocking handle with a luminous surface is less expensive, it has the disadvantage that on the one hand, a relatively long intensity illumination of this surface is required in order to develop a lasting luminous effect. Due to the luminous surfaces' properties, a

luminous surface must be exposed to a long and intense illumination in order for the luminous surface to then provide luminosity while shut in the trunk. In addition, the luminous effect of a luminous surface diminishes relatively rapidly, so that a person shut into the trunk has only a relatively brief time period for finding and operating the unlocking handle. In contrast, by providing a luminous body, a particularly intensive and lasting luminous effect is provided. Even if the luminous body is exposed to a relatively brief and relatively weak illumination, this is sufficient in order to make the luminous body visible in the dark for a relatively long period. Thus, a luminous body increases the certainty of finding the unlocking handle in the dark. Thus, a luminous body differs from a luminous surface or coating. In addition, when read in light of the specification, the difference between a body and a surface or coating is distinguished.

Moreover, claim 1 requires a basic body and a luminous body which is mounted thereon. In light of this claim language, it is respectfully submitted that a luminous coating does not anticipate or read on a luminous body mounted on a basic body.

Claims 1, 2, 5, 6, 9, 10, 12-14, 16-20 and 22-29 were rejected under 35 USC §103(a) as unpatentable over Bingle in view of Lowes. This rejection is respectfully traversed.

In addition to the reasons previously submitted as to why this combination of references fails to obviate the claimed invention, the following additional reasons are also given as to why the claimed invention is patentably distinguishable over

the cited references. With regard to Bingle and Lowes, only a surface coating of luminous material is disclosed in the references. Lowes discloses a phosphorous coating on member 12. As noted above, such a luminous surface or coating fails to teach or anticipate a luminous body as claimed. Thus, it is respectfully submitted that the claimed invention is patentably distinguishable over the cited references. Accordingly, withdrawal of the rejection is respectfully requested.

Since claims 3, 4, 7, 8, 11, 15 and 21 depend from claim 1, claims 3, 4, 7, 8, 11, 15 and 21 are also patentably distinguishable over the cited references. Accordingly, withdrawal of the rejection is respectfully requested.


In view of the foregoing amendments and remarks, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/50478).

Respectfully submitted,

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